

United States District Court

for

Middle District of Alabama

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Julian Jamal Smith

Case Number: 2:07cr132-MHT

Name of Assigned Judicial Officer: The Honorable Myron H. Thompson, United States District Judge

Name of Sentencing Judicial Officer: The Honorable William H. Steele, United States District Judge, AL-S

Date of Original Sentence: April 24, 2006

Original Offense: 21 U.S.C. § 841 (a)(1) - Possession with Intent to Distribute Cocaine
18 U.S.C. § 922(g)(1) - Felon in Possession of a Firearm

Original Sentence: 30 months custody of BOP; followed by 3 years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: April 19, 2007

PETITIONING THE COURT

- ☐ To extend the term of supervision for __ years, for a total term of __ years.
☒ To modify the conditions of supervision as follows:

The defendant shall reside in a community corrections facility maintained or under contract to the Bureau of Prisons for a term of six (6) months and shall comply with the rules of that facility. This term shall begin upon the defendant's surrender to the facility at the time directed by the probation officer. While residing at the community corrections facility the defendant shall participate in a drug treatment program.

CAUSE

Smith reported to the United States Probation Office on September 11, 2007, and submitted a urine sample which tested presumptive positive for cocaine. A lab report received on September 18, 2007, confirmed the sample was positive for cocaine. This is Smith's third positive drug test since his release from custody in April 2007. Smith tested positive for marijuana use on April 23, 2007, and cocaine use on July 24, 2007. The probation officer notified the Court of Smith's last positive drug test via a report dated August 2, 2007, recommending no punitive sanction. Smith was issued a written reprimand putting him on notice that any further noncompliance would result in a recommendation for punitive action. Smith has been enrolled in intensive outpatient drug treatment at the Chemical Addictions Program, Inc., since May 2007. In addition to Smith's failure to abstain from illegal drug use, he has failed to obtain full-time, verifiable employment.

Based upon Smith's continued drug use and failure to obtain verifiable employment, the probation officer recommends that he be ordered to serve six months at a half-way house. Smith did not received the benefit of a community corrections center placement prior to his release from custody. He was released directly from FCI Yazoo City, Mississippi. Residence in a half-way house will assist Smith in obtaining full-time, verifiable employment as well as offering him a controlled, structured environment which he greatly needs. The above noted recommendation is consistent with the probation office's drug sanctions policy. Smith has agreed to the proposed modification of his conditions of supervision and has executed the attached Probation Form 49 waiving his right to a hearing and assistance of counsel.

Respectfully submitted,

by /s/ Alfred L. Lancaster
Alfred L. Lancaster
Senior United States Probation Officer
Date: September 27, 2007

Reviewed and approved: /s/ David Ron Thweatt
Supervisory U.S. Probation Officer

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

/s/ Myron H. Thompson
Signature of Judicial Officer

October 2, 2007
Date